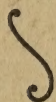


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1938

An Address by
HENRY I. GREEN



at the
Thirty-eighth Annual
Commencement
of
THE JOHN MARSHALL
LAW SCHOOL

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THE JOHN MARSHALL
LAW SCHOOL
Class of 1938



CHICAGO, ILLINOIS
June 25, 1938

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Foreword

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Printed at the request of citizens who are interested in the restoration and preservation of the American system of government.

HENRY I. GREEN
Urbana, Illinois
August 11, 1938.

OBLIGATIONS OF THE LEGAL PROFESSION AND ITS OPPORTUNITIES FOR SERVICE



THE subject of this address, "Obligations of the Legal Profession and its Opportunities for Service," will be discussed with special reference to its application to present day conditions and problems.

This morning when I read the first sentence of the "Fireside Chat" delivered from the White House last night, I debated about whether to follow the manuscript I had prepared for this address. That first sentence was "Our government, happily, is a democracy." But on reflection I have decided to go ahead and use the manuscript just as it was prepared. I do so because it is high time American citizens should get to thinking straight about fundamentals.

We must refresh our memories. We must remember that it is the unbroken rule of history that monarchy is the offspring of democracy in government. That in Russia, Italy, and Germany, the present dictators rose to power by initially proclaiming adherence to the principles of political democracy.

We have been traveling very fast in this generation. If we are not careful we will find we have been traveling so fast, we will get into the wrong port, and that we will arrive before we know where we are going.

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Pat and Mike were working with a box of dynamite. Pat accidentally dropped a stick against the box exploding its entire contents, blowing Pat into space. A few minutes later the boss came along and addressing Mike asked "Where's Pat?" Mike replied "He's gone." Said the boss "When will he be back?" and Mike answered "I dunno; but if he comes back as fast as he went, he will be back yesterday."

Addressing young men and women graduating from a Law School presents a rare opportunity to speak plainly and directly with little possibility of being misunderstood or misinterpreted. You are today receiving credentials which certify that you have acceptably completed an academic course of instruction in the law, which fits you to become members of a great and noble profession. The institution which issues these diplomas to you is recognized for its thoroughness and the high qualifications of its faculty. Dean Lee has an enviable reputation among the lawyers engaged in active practice, as a man of sound views, always with his feet on the ground, a man not swerved from his true course by high tides of inflamed public opinion or the undertow of ultra conservatism. Dean Lee is neither a crusader nor a standpatter. He is a man of firm purpose and high resolve who has the courage of his convictions.

UPON entering the legal profession you must understand and remember that the most important qualification you should possess is the ability to think—to think for yourself, to think straight, to think practically rather than emotionally.

What is said here will be based upon the presumption that you fully realize that no matter how much of the

law books you have memorized—or how much academic information you have absorbed—if you have not learned to think, then you are not prepared to begin to practice law. These are times to think before you leap. An Irishman fell from a roof and on the way down, about twenty feet above the ground, he seized hold of some wires that broke his fall. He managed to hang on and right himself, and then all at once he let loose of the wires and dropped the remaining twenty feet to the ground. An inquirer among the crowd that rushed to his aid asked, "Why did you let go?" And the Irishman replied, "I was afraid the domn'd wire might break."

You well understand that in the processes of advancing civilization, the members of the legal profession have been the leaders. You live in a country, the organic law of which was molded by lawyers who wrote the constitution under which you live and secured its adoption by the thirteen original states of the union.

Let me refresh your memory of those men who prepared and presented the constitution of the United States for adoption. Of the 39 men who signed the constitution, 22 were lawyers. It is noteworthy moreover that of the 55 delegates who attended the convention and participated in its deliberations, 34 were lawyers. During the deliberations of that historic body, the conditions prevalent throughout all of the thirteen separate states comprising the confederation were discouraging in the extreme. You should also remember that the bitterness and animosity of the citizens of each state toward the citizens of all the other states was intense and violently radical and emotional. Even though the finished draft of the federal constitution was the result of bitter debate and ultimate compromise, the confusion and chaos of that day made absolutely necessary that the

delegates reach common agreement in creating a system of government new in the world. Thus, it was the imperative necessity of the times which compelled the result that was achieved in that memorable convention.

Every member of the constitutional convention conceded that the government set up by the constitution was experimental and without precedent. Those men, however, were cognizant of the historic failures experienced by other nations then tottering or already fallen. They knew the weaknesses in the two general systems of government, despotic monarchy and pure democracy, and they were guided between these extremes to the creation of a government in form a republic.

One great leader in the creation of our government, in form a republic, was Thomas Jefferson. It is an insult to the memory and fame of that great statesman to assert that he ever advocated a political democracy. You can search the record of his writings and spoken words and nowhere can you find a single sentence that he ever wrote or uttered which even indicates that he believed in a democratic form of government. On the contrary his addresses and his writings are replete with his repeated and consistently expressed opinion that the only successful form of self government is one representative in form, and that the nation created by the constitution was and should forever remain a republic.

The demagogic mouthings of any man who talks about our democratic form of government should bring to your minds the same reaction as would come from a vulgar story. Whenever our government becomes a pure democracy it will go on the rocks just as have all the governments of history which tried that experiment.

Here is one of the obligations of the legal profession. It is an obligation of pressing importance. You should make it your business to lead the public thought back

from the tendency of the times advocating pure democracy, to the principles of Jefferson and Hamilton, Madison and Washington, and that great galaxy of patriots of one hundred fifty years ago, who knew the dangers of a political democracy, which is a synonym for mob law and mob rule.

The members of the legal profession in the day and generation in which I have lived have been measurably neglectful of their duty in this regard. They have permitted the introduction of the primary election system into our scheme of government; they have allowed an amendment to the federal constitution which changed the wise provision in the original document governing the manner of electing United States senators. They have without great protest accepted a repeal of the original provision for election of United States senators by the legislatures of the several states, and the substitution of a provision for their election by direct vote of the people. As a consequence the character of the United States Senate has been changed from the greatest deliberative body in the world to the radical branch of congress. They have opened the door to the demagogue and invited him to come in and seek the high honor of election to the Senate of the United States. From the day that the amendment to elect senators by direct vote of the people became effective to this day, the high standing, caliber, and influence of the United States Senate as a body has deteriorated. There are yet left a few up-standing, heroic figures in the Senate of the United States, who still stand as a breakwater against the waves of radicalism and so-called reform and political delirium, that in the storms of emotional politics dash and beat against the structure of state created by the fathers. Year after year these bold, courageous statesmen become relatively fewer and fewer in number; and the ranks of

the radical members of the senate are swelled more and more by the number of demagogues and political racketeers who prey upon the passion, prejudice and emotion of the voters to secure nomination and election to the high office of United States Senator.

The amendment for direct election of senators should experience the same fate as befell the prohibition amendment. There should be restored to the constitution of the United States the original provision for electing United States senators by the legislatures of the respective states.

Here is a terrible mistake that we of the generation that is passing have made; we must trust you to correct it.

THE framers of the federal constitution frankly stated that the system of government there-in provided was a test of the ability of a free people to govern themselves. As long as we left the system alone, and held back the assaults of so-called reformers, our nation grew and prospered to the astonishment of the civilized world. As we began to tamper with that system, we began to impair our national security. During the last fifty years we have done much to change our government from a republican form toward one of pure democracy.

We know that every pure democracy in history has been short lived and has been succeeded by some form of monarchy. Just as fast as these democratic policies fail, some form of dictatorship succeeds them. It is verily a substantial obligation of the legal profession to lead the way toward rational thinking about the true application and use of the term "democracy" in this country.

You must remember that the constitution of the United States was adopted by the people. It begins

“We, the people of the United States of America, . . . do ordain and establish this constitution.”

“We, the people” constitutes that broad, all inclusive body which we call “society.” We have no caste in America. Society is democratic. “We, the people” are democratic, but our government was created a republic.

“We, the people,” society, created this republic. “We, the people,” society, is the foundation upon which the republic stands. “We, the people,” society, ordained and established the constitution and thereby created a government. In Section 4 of Article IV of that document the United States guaranteed to every state a republican form of government—not a democratic form of government. It guaranteed a representative government—not a government by the mob.

Of course we must preserve a democratic society. “We, the people,” which constitutes in its broad sense “society,” is and must ever be democratic in form. It must ever cherish, sustain and uphold the immortal principle stated in the Declaration of Independence, that all men are created free and equal.

As members of society, “we, the people” are supreme. We are free. Equality exists as an inherent element of liberty. As free people we have created a republican form of government and have delegated to it certain powers. We have the right to recall these powers if we see fit, or to delegate other and additional powers; but “we, the people,” society, are supreme. We are the rulers.

Yet what is our situation today with respect to this boasted freedom and liberty? We have in the last fifty

years seen the servants of this government that we created, assume and usurp more and more power and authority; assume and exercise prerogatives that a republic was never designed to possess. How have they done it? It has been a circuitous process, silent, sometimes obscure, a gradual encroachment, but nevertheless deadly.

We are today in many departments of life under the absolute domination of bureaucratic rule. As a result of our tendency toward irresponsible democracy, there has been set up bureau after bureau possessing powers and prerogatives, calculated to control and curtail the liberties of the people. Usually these bureaus were created at the request or demand of some particular agency of a business or social character.

When "we, the people" established our republic, we never intended that it should have the power to tell us what to do or how to do it—we only provided that it might tell us what not to do or how not to do it.

I like to compare the theory of our structure of the state as originally set forth in the Constitution of the United States and the first ten amendments which added the Bill of Rights, with the Ten Commandments, divinely inspired and promulgated. In each case the first is a corollary of the other. Thou shalt love the Lord thy God and thy neighbor as thyself; and the corollary, Thou shalt respect thy government and the rights of the people that created it.

From then on it is a series of "Thou shalt nots." The Ten Commandments are predominantly negative in character. No law of a republic is sound that is anything more than negative in character.

Even Divinity recognized a greater freedom of the individual than does our present day bureaucracy; bureaucratic rule is monarchical rule.

In the language of Benjamin Wallace Douglass of Indiana:

“Reduced to its simplest terms the American concept of government is one in which the primary function of government is to keep people from cutting each other’s throats.

“The farther we get away from that ideal the closer we come to the rocks on which our whole civilization may be wrecked.”

No self government should be allowed to dictate to the citizen what he shall wear, where he shall live, how he shall be employed, what pay he shall receive, what he shall do or how he must do it. These are not proper functions of a republic.

Here is a fundamental concept about which the people of today are generally ignorant. The members of the legal profession should feel a real responsibility for permitting a republic created by a democratic society, to be supplanted by a political democracy, which functions through bureaus exercising monarchial power.

A government in form a democracy is one where the people rule directly. The initiative and referendum twenty-five years ago was the plan advocated by those attempting to change our representative republic into a political democracy. A political democracy must function either by the people themselves en masse exercising legislative and judicial power, or by the only other alternative, the people en masse electing an executive or executives to rule by the exercise of autocratic power. It is the latter plan which is being now so loudly proclaimed and aggressively sought by autocratic executives thirsty for power.

If you have really learned to think, you will reflect upon these fundamental and necessary premises, viz: that society is and must remain democratic in form;

that our government is and should remain republican in form; that the true function of a republic is to enact and enforce laws negative in character, restraining rather than coercive—then you will be led into the sunlight of clear thinking on the application of this axiomatic fundamental, necessary principle. Only by a strict application of this underlying principle can we restore liberty as our fathers understood it, and in no other way can our experiment in self government prove successful.

And always remember that the scheme of government laid down by the fathers is based upon the premise that the people are the masters and the government is the servant.

IN 1830 the great debate between Robert Young Hayne of South Carolina and Daniel Webster of Massachusetts settled in the public conscience that the union of the states must be preserved; that the exercise of the powers delegated by the constitution to the Federal Government are superior to the reserved powers of the several states and the inhabitants thereof; and that all powers not delegated by the people to the Federal Government are expressly reserved to the several states and the inhabitants thereof.

Webster's powerful logic created throughout the states of the North a psychology that preserved the union. It required a civil war to make it effective, but the public conscience aroused by Webster's statesmanship produced a spontaneous volunteer army composed of men willing to make the supreme sacrifice to preserve the union.

But that sentiment for national government supremacy has now led to a new and unsolved and unsettled issue.

The greatest political question before the American people today is—where does the power of the national government begin and where does it end?

We have gone to the other extreme now, and we find the national government usurping and asserting powers of dictatorial control, not only over the states but over all the inhabitants of the several states. This was a condition which Thomas Jefferson feared. He urged a jealous guard against encroachments by the Federal Government, and the preservation of the reserved power of the states and the people thereof.

Every new cabinet position and officer, and every new bureau that has been created by Congress since the constitution was adopted, have manifested a progressive tendency toward bureaucracy, bureaucratic control, and dictatorship. The initial cabinet created by Congress immediately after the adoption of the constitution consisted of a Secretary of State, a Secretary of War, and a Secretary of the Treasury. It was not really a cabinet. They were simply the "principal" officers charged with certain executive responsibilities. They were appointed by the president subject to the consent and approval of the senate.

Progressively thereafter other branches of the executive department were created and a cabinet officer provided therefor.

The first great departure, and it was certainly of doubtful wisdom, was the creation of the Department of Commerce and the appointment of a Secretary of Commerce as a member of the cabinet. Here the government began to go into business. It began to interfere with a prerogative of society and it produced more trouble than real advantage.

Give anybody an executive job, and he proceeds to get busy. Very logically after creating a Department of

Commerce, the idea was conceived that there should be a Department of Labor, and a new cabinet office was created and a Secretary of Labor installed in authority. Somewhere through the years the policy was adopted to create a Department of Agriculture with a cabinet officer at the head of it. But initially its function was in no way comparable to its present day assumed prerogatives.

Logically this will lead to a Department of Manufacturing, a Department of Mining, a Banking Department. Carried forward this will lead to setting up a perfect oligarchy of executive departments, not designed as a true republic should function to enforce negative law. On the contrary, it would be designed by affirmative, bureaucratic, autocratic, monarchical action, to regulate and direct human activities.

At this very time we are facing an agitation to create a Department of Social Justice, whatever that may mean; whether to supersede Hoyle on the rules of games for recreation, or to prescribe the styles for dress at church weddings, or to prescribe hygienic diet—the Lord only knows. But believe it or not, once you install a Secretary of Social Justice, you will find that executive department meddling with things that nobody ever conceived as within the province of a republic created by a democratic society experimenting with self government.

Recently as a result of the confusion existing among the 330 bureaus in Washington, overlapping each other and dabbling in things that never should have been within the prerogatives of representative government, such chaos existed and still exists, that it was felt the executive department should be reorganized. It meant nothing more than that these bureaus should be reorganized. This stirred up a great political storm.

Of course anybody knows that the executive department of government, if it retains these 330 bureaus, which are in a state of confusion, chaos, conflict and contradiction, they should be reorganized. Incidentally, the bill was defeated because Congress woke up to the fact that by the proposed reorganization the members of congress would surrender their control of patronage and turn it over to the executive department. Take away a congressman's or senator's patronage and you make him the vassal of the executive branch of government. Consequently the bill was defeated.

But the real threatened crime was not in passing a reorganization bill—the real crime was committed in the creation of the bureaus. The purpose of the proposed reorganization bill was to attempt to correct the condition resulting from having set up an oligarchy of bureaus, monarchical in form, each loaded with a great army of patronage, each jealous of the other, with the resultant waste, extravagance, and inefficiency.

Here is a problem which calls for the exercise of sound thinking, and by drastic action, a restoration of the rights of the people. It means putting the government back in its place, removing the shackles that have been fastened on society by the regulations and executive orders promulgated by 330 different bureaus, each exercising autocratic authority. The laws creating these bureaus should be repealed. What we most need now is for the government to let us alone.

This is a problem, the solution of which rests heavily upon the legal profession.

A Chinese servant in Peking had the correct philosophy. His English employer, feeling indisposed, asked his servant "Who is the best doctor in Peking?" The prompt reply was "Sing Loo, he gleastest Doc." Being asked why, the Chinaman replied, "I get velly sick and

send for doctor. He come and give me some medicine and I get velly bad. Then I send for 'nother doc; he give me more medicine and I get velly, velly much badder. Then I send for Sing Loo. He no come and I get well. Sing Loo, he gleatest doc."

WE could go on indefinitely outlining the necessity for patriotic thinking and action to destroy the powers usurped by the Federal Government and restore them to the several states, or better still, restore them to the people, where the constitution plainly provided they should be and remain.

But diverting our thought in another direction, the legal profession has sat supinely by and watched the progressive growth of a system of government undermining the constitutional mandate that judicial power should be vested in the judicial department of government. It has not been long since we embarked on the policy of setting up new bureaus and clothing them with the powers of investigation, prosecution and quasi judicial decision.

Let me cite just one example in our own State of Illinois. This is a state law. How many lawyers have read an Act of the legislature in this state, approved in the year 1933, entitled:

"An Act in relation to minimum fair wage standards for women and minors and providing penalties for the violation thereof."

In Section 2 of that Act you will find that the Department of Labor acting through the Wage Board can make an investigation, initiate a proceeding, prosecute it, render a judgment, and enter a decree; and Section 2 of this Act specifically provides that the board shall pro-

ceed "without being bound by any technical rules of evidence or procedure."

It took four thousand years of struggle, marked with blood and sacrifice, to evolve in our system of jurisprudence, rules governing the introduction of evidence in judicial inquiries. These rules of evidence and procedure were the culmination of the experience and wisdom of the centuries. Yet here in Illinois, not only in the Act to which I have just called your attention, but in other statutes of this state, a judicial inquiry is authorized to be conducted and held by the same board that made the investigation and prosecutes the case; and in its procedure it may disregard all of the established rules of evidence and set up its own rules of procedure.

And the same Act just referred to in Section 14 provides that:

"All questions of fact arising under this act except as otherwise herein provided shall be decided by the Department *and there shall be no appeal from its decision on any such question of fact.*"

Even more nefarious and indefensible are the provisions of the federal statute, creating the Wage Labor Board, stating its prerogatives and authority, and giving it like power to become the investigator, the prosecutor, and the judge.

That is monarchy pure and simple. Numerous other instances could be cited, but these are illustrative of the tendency of the times to supersede the judicial power reposed by the constitution in the courts, by monarchical, dictatorial power reposed in bureaus or boards composed of men without any knowledge of the law or the rules of evidence; and authorizing them to proceed free from any of the restraining influences that protect a defendant in securing a fair trial in a court

of justice. And these Acts provide penalties for violations of the judgments rendered by these administrative tribunals exercising judicial power.

May we not inquire why we were so shocked at the procedure employed in the famous Dreyfus trial in France; or the manner of conducting judicial inquiries in Mexico; or the execution by dictatorial edict, of citizens of Russia and Germany, where in many cases the victims die ignorant of the alleged offense for which their lives are snuffed out by the firing squad?

That is where all this leads us.

It is high time the members of the legal profession begin to reflect upon "Where are we going, and how fast are we traveling?"

THESE suggestions are only illustrative of the multitude of complex problems which call for solution under the leadership of the legal profession. There is no department of our democratic society so well informed and equipped to lead in the destruction of these so-called reforms, as are the members of the legal profession. By academic preparation and by training and experience, the lawyer should be alive to the dangers that confront us.

It is idle to boast of liberty in one breath, and in the next create a bureau with dictatorial power.

We must admit that most of these mistakes were the result of an appeal by some particular branch of business, or class of society that acknowledged its own weakness and indolence, and called on the state for help. The railroad and the shipper together demanded legislation that resulted in the creation of the Interstate Commerce Commission and the subsequent expansion of its pow-

ers. So long as its power was purely negative it did no particular harm. Even in the matter of rates, so long as it was the law that no interstate rate should become effective unless approved by the Interstate Commerce Commission, no particular injury was done. But the day that the Interstate Commerce Commission was given power to affirmatively fix rates, the machinery was set in motion manifested in the resulting mischief.

Our experience with the greatest single industry in the world—transportation—is an outstanding example of what will inevitably follow in any situation where the government assumes complete control and regulation.

When the Interstate Commerce Commission was born, the executive of a great railroad system was a man highly regarded and respected; the industry was an inviting field for the politician and the demagogue. And what has been the result? Today we find the railroads prostrate, hopelessly financially involved, maintenance sadly deferred, railroad securities a dreg on the market, and the industry in a panic.

Let alone, the railroads would have worked out their own salvation in their own way. If it be claimed that they could not have survived, then certainly the responsibility would have been upon their own heads and not upon the government. It is no answer that expansion of our transportation facilities was encouraged by government subsidy. There was one saving element in that situation; when the government granted subsidies to the railroads, it did not set up a bureau to control the administration of the subsidy. The railroads were and are a part of our democratic society. They were indeed a very important part. And as such, they administered not only the subsidies they received from the federal government, but the investments of their stockholders

and creditors. They did a better job than could possibly have been done by the federal government through any bureau or other agency.

Of course the government had the right to say to the railroads by appropriate legislation "Thou shalt not rebate;" "Thou shalt not discriminate between shippers." It had the right to pass and enforce any legislation negative in character. But there its proper function ended.

To a University Professor of Engineering a young man stated he had an ambition to become an executive of a great railroad system, and inquired how much it would cost and how long it would take to realize that ambition. The professor replied that it would probably cost \$20,000.00 and take twenty years' time; but continued, "I can tell you how to more easily realize your ambition: In ninety days you can get elected to Congress at a cost of probably \$300.00 and then you can run all the railroads in the country."

THIS leads very naturally into another confusing situation now on our doorstep. I refer to the question of unemployment.

Nobody questions the right of the federal or state government to appropriate money for emergency relief: whether it be an earthquake in Mexico, a typhoon in Japan, a hurricane in the West Indies, a flood in Arkansas, or a drought in the wheat belt. If Congress in its wisdom declares that an emergency exists, and if its decision in that regard cannot be by the courts held wholly without justification, its verdict will be sustained.

But the curse of appropriating money for emergency relief, which exists today, lies in the mistaken policy

adopted by both federal and state governments of setting up machinery for the administration of the appropriation.

When Congress appropriated money to be administered by the Red Cross, a creature of society, composed of volunteers, no scandal attended the administration of the fund. No charge of waste or graft comparable to that of political administration ever attended the administration of emergency relief appropriations by secular organizations.

It will have to be admitted that if Congress and State Legislatures could have their judgments sustained that appropriations were necessary to meet existing emergencies, the administration of such appropriations by any one of a host of secular agencies would have been far less extravagant and more wisely done than has been experienced by administration through the medium of governmental bureaus, boards or commissions.

Personally I would much prefer to trust the Salvation Army to distribute and administer emergency relief appropriations than I would any board or bureau created by governmental fiat and exercising autocratic executive authority.

These boards and bureaus administering emergency relief are sure to strive to perpetuate themselves rather than to terminate their authority.

Already we hear mouthings that we will always have necessity for unemployment relief and appropriations to support the unemployed. Of course we will if we keep alive a lot of executive boards and commissions to administer such appropriations.

The way to terminate so-called emergencies is to take away from the government the power to administer contributions it makes from the taxpayers' funds to meet the alleged emergencies.

Certainly the government can trust its creator. Society created it, and society can create secular organizations possessed of as much wisdom and integrity as any organization created by politicians.

Grover Cleveland said in vetoing an appropriation of \$10,000 for seed wheat for distressed Texas farmers that he found no license in the constitution for such an appropriation; that as he understood our scheme of government it was the duty of the people to support the government and not the duty of the government to support the people. It is a far cry from that day to more recent times when a president of the United States (and not the one now in office) going into a campaign for re-election, said "This government will never let its citizens starve."

Such a statement assumes that it is a part of the function of government to feed the people. That presumes a monarchy. Of course the king must feed his subjects. That expression presumes that society and the people are incompetent to feed themselves and to provide the agencies to feed those in distress.

This is not a partisan question, because the policy was inaugurated under a Republican president and carried to its extremes under a Democratic administration.

However it must be conceded that the policy of creating governmental boards and bureaus to administer funds appropriated to feed the people is of more recent origin.

Who is better qualified than the lawyer to analyze the effects of these new prerogatives usurped by the state?

Incidentally the solution of these questions will directly affect your business as a practicing lawyer.

While public waste and extravagance of the present day is to be deplored, yet the most unfortunate element

of present day politics and psychology is the corruption of public thinking. Individual indolence and indifference are the children of reckless government spending and largess.

Down in Arkansas where the women go barefoot the soles of their feet become very calloused. They can walk on rocks or nails, barefooted, without flinching. An old man and his wife were standing by an open fire in the clearing when the old lady reached down and plucked a coal from the embers and very deliberately lighted her pipe. The old man, after a pause, remarked "Ma, you're standing on a live coal." The old lady took another puff or two of the pipe and slowly turned her head toward her husband and said "Which foot, pa?"

The psychology extant among so many of our people is illustrated by the story of the traveler riding horseback who came upon a little clearing where the trees had been deadened and a patch of potatoes planted. There was an old settler sitting on a stump to whom the stranger addressed the greeting, "How's times?" The native replied, "Just tolerable. I had some trees to cut down, but a cyclone come along and blowed 'em down." "That's fine," said the stranger. "Yas," drawled the native, "then the lightnin' struck and burned up the brush and saved me that trouble." "Quite remarkable," said the stranger, "what are you going to do now?" and the native answered, "Oh, nothin' much. I was just settin' here waitin' for an earthquake to come along and shake the taters out of the ground."

You can do much to educate the layman in the mistakes of the great multitude of so-called reforms; to lead the people back to the sound doctrines of the fathers of the republic.

You are especially equipped to think on these questions, and to think clearly, wisely, logically, and profoundly.

NOW I come to the more pleasant aspect of the subject of this address, namely, the opportunities of the legal profession for service. In the first place, don't be a defeatist. You never heard of one that ever made any real progress. He is a drone in society. We will always have some natural born pessimists.

I love to hear General Dawes say in his characteristic way in opening an address:

"I am an unadulterated, unapologetic optimist."

You are most fortunate in the period and the time at which you are entering the legal profession. It is not uncommon to hear the whining complaint that young men and women of this day and generation do not have the opportunity their fathers had in the generations past. A majority of the great army of unemployed are imbued with that psychology. They think they are the victims of circumstances. They feel there is less opportunity for them today than the past afforded.

If any of you have any such ideas I urge you to read the book entitled "The Next Hundred Years" by C. C. Furnas, an associate professor of Chemical Engineering at Yale University. Read there his chapters on Biology, Chemistry, Engineering and Social Consequences.

In that volume the author does not answer all of the questions he asks, but you will have unfolded before you the rich possibilities of vast unexplored areas in the fields of science and the professions, which will prove

a revelation in the possibilities of the future and leave you imbued with a feeling of your own insignificance, bereft of any conceit of past accomplishments, and ashamed of yourself if you have ever said that the future does not hold the possibilities that the past afforded. That is an absolutely false psychology. There never was a time in history when young men and women were presented with such large opportunities as exist today.

History records no era when there was so much or so many things to do—things that need to be done. Five years is not long enough just to overcome the deferred maintenance required to restore the physical property in this country to proper condition.

True, this is a day of confusion, war, uncertainty, and change; but these are what furnish opportunities. The lawyer's job is to untangle confusion, correct mistakes, enforce individual rights. These are days that furnish untold opportunities for constructive service. Maybe not as lucrative to the profession as certain periods, but certainly there is plenty of work to be done. The lawyer that looks only to the enhancement of his own material welfare, sheds no great honor on his profession. The widow with her mite or the rich man with his millions alike look to the lawyer for advice, guidance and help.

Our profession is a very practical business. Our clients want results. Sometimes they are wholly regardless of the methods employed, just so the results are accomplished. That is, however, the exception and clients of that kind are not desirable.

You must approach your career with a definite understanding that you can succeed only by hard work.

You should not mistake:

Motion for Progress
Change for Reform
Noise for Eloquence
Demagogery for Statesmanship
Regulation for Destruction
Paternalism for Liberty
Theories for Wisdom
Avarice for Thrift
Agitation for Industry
Intelligence for Judgment
Memorizing for Knowledge
Case Law for Principles
Volume for Substance

You have chosen a profession, the most arduous of any you might have selected.

You must start with the firm conviction that nobody ever got very far in the world working only eight hours a day or forty hours a week.

If you start out on that premise, you have failed before you start. You must get ready to burn the midnight oil; to work when your client sleeps; to work incessantly; to work methodically; and to look for your compensation in the consciousness of a job well done. If you do that, you will make plenty of money to meet your material needs, and you will be the happier for it. With it all, you must preserve your sense of humor. You must be tolerant of the frailties of human nature. You must be patient with ignorance; and you must never become conceited.

Whatever else you do, don't fall a victim to the philosophy which is so much advocated today and which is implied in so much of the political bunk, that civilization has reached the acme of perfection; that

there are no new worlds to conquer; that the free land is all taken up; that the genius of man has reached its climax; that there are no new fields to discover; and that the great problem of the century is to evolve some method of dividing up among the people the vast stores of our combined accumulated possessions.

Remember that in this United States of America there are sixty-four million life insurance policy holders who own twenty-six billion dollars of Life Insurance Company assets invested directly or indirectly in business.

Remember that in spite of all our housing problems, 43% of all American homes are occupied by the owners; and that 50% of the owner-operated farms are mortgage free.

Remember that this is the richest nation in the world; that while we have only 6% of the world's area and 7% of its population, we normally consume a very much larger proportion of the products of the world; as to many of them, we consume more than is consumed in all the rest of the world put together; we operate one-third of the world's railroads, and 60% of the world's telephone and telegraph facilities; we own 80% of the motor cars in use in the world; we produce more than 50% of the oil, the wheat, the cotton, the copper and other metals from the total output of the globe; we possess almost \$11,000,000,000 in gold, or nearly one-half of all the world's monetary metal. You live in a country that has two-thirds of civilization's banking resources.

And as a complete answer to the politician that talks about increasing the purchasing power of the people, remember that the purchasing power of our population is now greater than that of the five hundred million people in Europe, and much greater than that of the

more than a billion Asiatics. Remember that at your door lies the opportunity to aid in developing a responsible leadership that can translate this bulging economy into assured prosperity. And I would have you believe that any responsible leadership which does not achieve that result is destitute of capacity.

I would have you ignore the mouthings of pompous politicians who, looking over our vast estate, solemnly declare that the methods by which we have risen to our high estate are all wrong and ought to be abandoned, and must be discarded. As a lawyer it is your duty to meet at the threshold the politician who claims that the time has come to substitute political management for individual initiative and supervision.

Your obligation as members of your profession is to lead public thought back into channels that prevailed during the years this country rose to its high position among the nations of the world; to recognize the responsibility that is yours as a citizen of a republic built upon a democratic society; a nation toward which all the rest of the world looks for leadership; a nation where the people rule, where government and the politician are subservient to the will of the people; where the people are the masters and the government is the servant; where liberty once reigned and can be restored to its former proud position. It is a part of your obligation as a lawyer to assist in bringing about the complete restoration of a republic, and with it as a consequent result, an era of prosperity that will be the marvel of the civilized world.

With the future at your command, possessed of youth, vigor and a willingness to work, and great objectives to attain, with the complex problems on your doorstep, oh, what glorious opportunities confront you!

Above all, believe that you live in the most favored land in the world, and that the very problems to be solved constitute your opportunities for service. Be glad that you belong to a profession that the world needs in these days more than it was ever needed before.

With General Franco closing his throttle-hold upon that ancient empire once the proud mistress of the seas, now in the dying struggles of its existence, with dictatorship at the helm in Italy, Germany and Russia, with King Carol of Roumania calling out his army reserves to preserve his throne, with Chiang Kai-shek teaching five hundred million Chinese how to fight; with all the rest of the world in a state of unrest, confusion, and in many cases open revolution and rebellion and war, your country is at peace.

What more could be desired in the way of opportunity for the young man or the young woman entering the legal profession, determined to raise its standards and guide its destiny. In my opinion the lawyers, pre-eminently, must assume leadership if we are to restore sound government, preserve the blessings of liberty, and produce a permanent prosperity in this the United States of America.

It is my earnest hope that you will ever feel toward your beloved country that it is an altar upon which to render sacrifice, and not a crib at which to feed.



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